

# Notice of Allowability

Application No.

10/685,952

Examiner

Essama Omgba

Applicant(s)

BEZEK ET AL.

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3726

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments filed August 21, 2006.
2. ☒ The allowed claim(s) is/are 11-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/12/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9/14/2006.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Chad Walter on September 14, 2006.

The application has been amended as follows:

In the claims

Claims 1-10 have been canceled.

Claim 11 has been amended as follows:

(Currently Amended) A method of providing a close fit between a molded container and a molded overcap, where the overcap has a smaller amount of tolerance in the molding process than does the container, the method comprising the steps of:

(a) providing a container, such that said container has an opening surrounded by a rim, said rim having an upper portion that is rounded and a lower portion that is flat in cross-section, wherein said container comprises a nominal outer diameter at a largest circumference of said rim of  $OD_{RIM.NOM}$  with a manufacturing tolerance of  $T_{CNTR}$ ;

(b) providing a snap-on overcap to removably snap over said rim of said container, wherein a base of said overcap is sized to cover said opening, said overcap further comprising a flange with an outer surface extending essentially perpendicularly from said base, an inner surface of said flange ~~containing~~ comprising an essentially

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perpendicular portion extending from the base, a circumferential ridge adjacent the essentially perpendicular portion, said circumferential ridge having a peak[[,]] defining a flattened upper and lower faces, face of said ridge said flattened upper face being configured to seat against said rim flat lower portion such that the only contact between said rim and said flange takes place between said flattened upper face and said rim flat lower portion, said flattened face seats against said lower portion of said rim of said container wherein further said flattened upper face comprises an adjacent upper surface (446) and an adjacent lower surface (442), wherein said adjacent upper surface (446) and said flattened lower face surface (442) angle away from said container, said overcap having a manufacturing tolerance of  $T_{CAP}$ , wherein  $T_{CAP} < T_{CNTR}$ .

Claim 12: line 2, "cap" has been changed to --overcap--.

Claim 14: line 1, "cap" has been changed to --overcap--.

Claim 16: line 2, "a" has been changed to --the--,  
line 4, "cap" has been changed to --overcap--.

Claim 17: line 1, "cap" has been changed to --overcap--,  
line 2, "a" both occurrences has been changed to --the--,  
line 3, "a" 2<sup>nd</sup> and 3<sup>rd</sup> occurrences has been changed to --the--.

Claim 19: line 1, "cap" has been changed to --overcap--.

Claim 23: line 2, "comprise" has been changed to --comprises--.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
September 14, 2006